

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ravidath Lawrence RAGBIR; NEW
SANCTUARY COALITION OF NEW YORK
CITY; CASA; DETENTION WATCH
NETWORK; NATIONAL IMMIGRATION
PROJECT OF THE NATIONAL LAWYERS
GUILD; and NEW YORK IMMIGRATION
COALITION,

Plaintiffs,

- against -

Tae JOHNSON, in his official capacity as Acting
Director of U.S. Immigration and Customs
Enforcement; Thomas R. DECKER, in his official
capacity as New York Field Office Director for
U.S. Immigration and Customs Enforcement;
Kenneth GENALO, in his official capacity as New
York Deputy Field Office Director for U.S.
Immigration and Customs Enforcement; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; Alejandro MAYORKAS, in his
official capacity as Secretary of Homeland Security;
U.S. DEPARTMENT OF HOMELAND
SECURITY; Merrick B. GARLAND, in his official
capacity as Attorney General of the United States;
and U.S. DEPARTMENT OF JUSTICE,¹

Defendants.

No. 18 Civ. 1159 (PKC)

**[PROPOSED]
STIPULATION AND ORDER OF
VOLUNTARY DISMISSAL**

WHEREAS, in February 2018, the plaintiffs commenced this action seeking declaratory, injunctive, and habeas relief against the defendants based on claims of unlawful retaliation in violation of the First Amendment; and

¹ Tae Johnson, Kenneth Genalo, Alejandro Mayorkas, and Merrick Garland are automatically substituted for their predecessors pursuant to Federal Rule of Civil Procedure 25(d).

WHEREAS, while there are open legal issues and factual disputes, including with respect to subject matter jurisdiction and the merits of the case, the parties wish to resolve this action without further litigation and pursuant to the terms and conditions contained herein;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, that:

1. This action is dismissed with prejudice and without costs or attorney's fees to either party under Fed. R. Civ. P. 41(a)(2).
2. To resolve this lawsuit, ICE, in an exercise of discretion, has agreed to grant Mr. Ragbir deferred action for a period of three years, commencing on the date this Stipulation and Order is approved and entered on the docket of this case by the Court. At the completion of the three-year grant of deferred action, Mr. Ragbir will report to ICE, at a time and place to be prespecified by ICE with reasonable notice to Mr. Ragbir, to determine the status of his case. ICE's decision to grant Mr. Ragbir deferred action for a period of three years shall in no way guarantee, entitle, or create a presumption that Mr. Ragbir will or should be granted any further period of deferred action. Nothing in this agreement shall prevent Mr. Ragbir from requesting, or ICE from agreeing, that ICE exercise its discretion to grant him a further period of deferred action, grant him an administrative stay of removal, or any other relief. Within three (3) business days of the approval and entry of this Stipulation and Order by the Court, ICE will execute and deliver to Mr. Ragbir a letter memorializing the grant of three years of deferred action.
3. ICE has agreed to modify Mr. Ragbir's Order of Supervision ("OSUP"), such that Mr. Ragbir will be required to report to the New York City Field Office only once per

year at a time and place to be prespecified by ICE with reasonable notice to Mr. Ragbir, and such that Mr. Ragbir will be permitted to travel outside of the tri-state area without notification to the New York City Field Office.

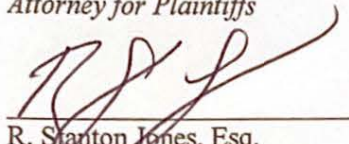
4. Mr. Ragbir and ICE agree to release and forever discharge one another and their past and present respective officers, agents, and employees, from the current lawsuit, and any and all claims, demands, suits, rights, damages, administrative remedies, and causes of action of any kind, nature, and character, known and unknown, arising from or related to the circumstances described in this lawsuit. Under this term, Mr. Ragbir shall forever be barred and enjoined from bringing or prosecuting any settled claim(s) against any of the defendants, and all of their past and present agencies, officials, employees, agents, attorneys, and successors, including the United States. This does not preclude Mr. Ragbir from filing suit against any defendant for any reason other than based on the specific allegations in this lawsuit.
5. Any violation by Mr. Ragbir of the OSUP conditions, including any criminal arrest, will nullify the three-year grant of deferred action, and if the three-year grant of deferred action is nullified based on such a violation, Mr. Ragbir will surrender himself to the New York City ICE Field Office for a determination as to the status of his case, including the possibility of removal should he have an administratively final order of removal.
6. ICE has agreed to the above based on the specific facts and circumstances presented in this matter, and nothing in this stipulation shall be construed as a concession of liability, wrongdoing, or any rights or arguments by the defendants; nor shall it be construed to require the government to agree to similar terms or take similar actions with respect to

any other noncitizen in similar or dissimilar circumstances, and this agreement shall in no way be used to undermine the government's litigation position in any other case.

7. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Washington, D.C.
December 16, 2021

ARNOLD & PORTER
KAYE SCHOLER LLP
Attorney for Plaintiffs

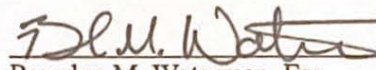


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December 16, 2021

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SO ORDERED:

HON. P. KEVIN CASTEL
United States District Judge